

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

TAMMY J. KITZMILLER; BRYAN REHM,
CHRISTY REHM; DEBORAH F.
FENIMORE; JOEL A. LIEB;
STEVEN STOUGH; BETH A EVELAND;
CYNTHIA SNEATH; JULIE SMITH;
ARALENE D. CALLAHAN ("BARRIE");
FREDERICK B. CALLAHAN,

Plaintiffs,

v.

DOVER AREA SCHOOL DISTRICT;
DOVER AREA SCHOOL DISTRICT BOARD OF
DIRECTORS,

Defendants.

CIVIL ACTION

NO. 4:04-CV-2688

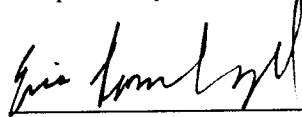
**PLAINTIFFS' DESIGNATIONS OF DEPOSITION TESTIMONY WITH
DEFENDANTS' COUNTER-DESIGNATIONS AND
PLAINTIFFS' OBJECTIONS TO COUNTER-DESIGNATIONS**

Attached as Exhibits A – S are charts indicating Plaintiffs' deposition designations and Defendants' counter-designations. Attached as Exhibit T is a list of Plaintiffs' exhibits to be admitted, with the exhibits referenced in the designations and counter-designations listed in blue. Also attached are Plaintiffs' Deposition Designation Binders Volumes 1 and 2, which contain the deposition transcripts with Plaintiffs' designations and Defendants' counter-designations highlighted (yellow for Plaintiffs' designations and pink for Defendants' counter-designations).

The charts indicate the counter-designations as to which Plaintiffs object on the grounds that they are improper counter-designations under Rule 32 of the Federal Rules of Civil

Procedure. Specifically, Rule 32(a)(4) provides that: "If only part of a deposition is offered in evidence by a party, an adverse party may require the offeror to introduce any other part which ought in fairness to be considered with the part introduced, and any party may introduce any other parts." *See also Magual v. Prudential Lines, Inc.*, 53 F.R.D. 301, 303 (E.D. Pa. 1971) (Rule 32(a)(4) "is clearly designed to allow explanatory material into the record"); and 8A Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 2148 ("the opposing party is entitled under the rule to have the context of any statement, or any qualifications made as part of the deponent's testimony also put into evidence"). Plaintiffs object to Defendants' attempt to counter-designate testimony that does not explain or provide context to Plaintiffs' designations.

Respectfully submitted,



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